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II. RESPONSE TO OFFICE ACTION

Reconsideration of the claims in light of the above amendments and the following remarks is respectfully requested. The Examiner's comments from the Office Action are reprinted below in 10-point bold type and are followed by Assignee's remarks.

A. DETAILED ACTION

The indicated allowability of claim 4 is withdrawn in view of the newly discovered reference(s) to Szarka et al., U.S. 2002/0148615. Rejections based on the newly cited reference(s) follow.

Without acquiescing to the characterization of the art, such as the Szarka reference, or its application to claim 4 found in the office action -- an in an effort to move this case to allowance -- Assignee has amended claim 4 to depend from allowable claim 1. The limitations previously found in claim 4, in addition to the "at least one tab" limitation in currently pending claim 1, are presented in new claim 50 (limitation of the hinge) and currently pending claim 10 (non-metallic flapper). As such, it is believed that all pending claims are in condition for allowance.

B. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hernandez et al., US 2004/0000407 in view of Szarka et al., U.S. 2002/0148615.

Hernandez et al. discloses a mandrel (16), a packing element inherently included in the completion in figure 5, a flapper valve (14), tab (26), recess (31), spring (not shown, 0019), hinge (24) and a curved shape providing adaptation precluding relative rotation between it and the mandrel. Hernandez et al. does not disclose the flapper being non-metallic. Szarka et al. teaches use of a flapper being constructed from composites and plastics [0010] to facilitate milling or drilling out the valve. It would have been obvious to one having ordinary skill in the art at the time of the invention to arrange for the valve disclosed by Hernandez et al. to be formed from non-metallic composite or plastic as

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taught by Szarka et al. to facilitate milling or drilling it out. The use of a known material based on its suitability for the intended use is a design consideration known to one having ordinary skill in the art.

Again, Assignee does not acquiesce to the characterization of the prior art as applied to the pending claims; however, in an effort to move this case to allowance, Assignee has amended claim 4 as discussed above. As such, it is believed that all pending claims are in condition for allowance.

B. Allowable Subject Matter

Claims 1, 2, 6-15 and 20-40 are allowed.

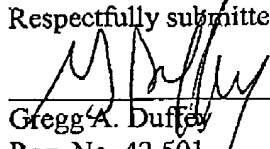
It is believed that all pending claims are now in condition for allowance.

C. Conclusion

The Examiner is invited to contact the undersigned attorney at 713.787.1478 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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